

Regular Council Meeting
Monday, July 12, 2021
7:00 p.m. – Caucus/ Meeting to immediately follow
Council Chambers
Live via Facebook@http://Facebook.com/lackawannany

Attention Residents:

Meetings have returned to City Hall – Council Chambers, 2nd Floor. They are open to the public. As a courtesy, we ask unvaccinated citizens to please wear a mask and maintain social distancing. Thank you for your anticipated cooperation.

Meeting called to order/Pledge of Allegiance.

NB: Meeting being recorded.

Roll Call: Council: Ingram, Szymanski, Moretti, Surdyke, Marrano
Dept. Heads: Law, Comptroller, Recreation, Public Safety, Development,
Public Works, Public Information

Hearings from Citizens:

Approval of Minutes: of the regular meeting of June 7, 2021 and June 28, 2021.

Moved by Marrano seconded by Surdyke to adopt both sets of minutes as written.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Departmental Reports:

1. **City Comptroller** – A/P Check Listing #48, dated June 24, 2021.
2. **City Comptroller** – A/P Check Listing #49, dated July 1, 2021.
3. **City Comptroller** – Capital Fund Report for June 2021.
4. **City Clerk** – Monthly Revenue Report for June 2021.
5. **City Treasurer** – Cash Receipts Totals for June 2021.

Moved by Marrano seconded by Moretti to receive and file Departmental Reports one through five.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Communications from Department/Division Heads:

Requests Approval of Standard Work Day Resolution, Form RS 2418 and RS 2417A. w

6. To: Honorable Frederic J. Marrano, President
Honorable Members of the City Council

714 Ridge Road

Lackawanna, NY 14218

Dear Council Members:

Please approve the attached Standard Work Day Resolution as required by the New York State and Local Retirement System. Form RS 2418 establishes the standard working hours for positions within the City of Lackawanna for use in the calculation of employees' retirement time earned. This new resolution will include several new titles as well as those that have been added or modified since the previous Standard Work Day Resolution was passed in 2012. Due to an oversight, the Deputy Clerk position, Assistant City Attorney and Council Member Szymanski were omitted in error in the prior month's resolution.

If you have any questions please feel free to contact me.

Sincerely,

CAROLYN A. NICOMETO, CITY COMPTROLLER

Moved by Marrano seconded by Szymanski to approve amended request, receive and file same.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval of County Line Stone to Mill, Pave and Stripe Ridge Road.

7. To: Honorable Council,

I request the Council approve County Line Stone to mill, pave and stripe Ridge Road on the contingency of the City attorney approving the contract. The cost of the project is \$850,000. See attached for the planned striping of Ridge Road.

If you have any questions, please contact me.

Thank you,

ANTHONY DESANTIS, COMMISSIONER OF PUBLIC WORKS

A copy of this information may be obtained by contacting the City Clerk's office.

Moved by Marrano seconded by Moretti to approve amended request.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval to Purchase 2022 Ford F-250 XL SuperCab.

8. To: Honorable Council,

I request that the Council approve the purchase of a 2022 Ford F-250 XL SuperCab. The total cost is \$39,852.00. \$25,000 of the price is from 2021-2022 city budget the remainder will be paid out of our Erie county Snow Removal fund.

If you have any questions, please contact me.

Thank you,

ANTHONY DESANTIS, COMMISSIONER OF PUBLIC WORKS

Moved by Marrano seconded by Ingram to approve request.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval to Waive any Permit Fees for Food Truck Vendors Contracted for the Galanti Park Concert Series.

9. To: Honorable City Council President
Honorable City Council Members
714 Ridge Road
Lackawanna, NY 14218

Honorable Members of the City Council:

I am requesting your Honorable Body to approve the waiver of any permit fees for any food vendors that will be contracted to provide food options at our 2021 Galanti Park Concert Series including but not limited to O'Brien's Farm Fresh Kitchen & BBQ. I believe the presence of food trucks will enhance the enjoyment of this community event.

Thank you for your consideration.

Sincerely,

BRIAN LAKSO, DIRECTOR OF PARKS AND RECREATION

Moved by Marrano seconded by Szymanski to approve amended request, waiver only valid for this singular event.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval of Resolution Assigning Victory Playground a Street Number.

10. To: Jeffrey DePasquale, City Clerk

714 Ridge Road

Lackawanna, New York 14218

Re: Victory Playground Street Number Assigned Resolution

Dear Mr. DePasquale:

Please put the attached resolution on the agenda for council approval.

Very truly yours,

RICHARD S. JUDA, JR., CITY ATTORNEY

Moved by Marrano seconded by Moretti to receive and file, act on resolution.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

RESOLUTION NO. 24, 2021

WHEREAS, Pursuant to Chapter 194.7 of the Lackawanna City Code all changes to street address in the City of Lackawanna are to be approved by the City Council; and

WHEREAS, the U.S. Soccer Foundation is awarding the City of Lackawanna a grant up to \$100,000 for a Mini-Pitch Program that requires electricity thus a street address is required by National Grid; and

WHEREAS, this project will greatly benefit the residents of the City of Lackawanna by providing an acrylic mini pitch surface with goal and lighting installation: and

NOW, THEREFORE, BE IT

RESOLVED, that the parcel of land bearing SBL#142.54-5-1.1 will be assigned the street number and name, 154 Victory Avenue, Lackawanna, New York.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

Dated July 12, 2021

Lackawanna, New York

Moved by Marrano seconded by Moretti to adopt resolution as written.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval of Resolution Rescinding Resolution #19, 2020, and re-establishing Council Meetings to Council Chambers.

11. To: Honorable Council President
Honorable City Council
714 Ridge Road
Lackawanna, NY 14218

Dear Honorable Body,

Please approve the attached resolution that rescinds Resolution #19, 2020, and re-establishes Council Chambers as the venue for Council Meetings.

Thank you for your anticipated cooperation.

Respectfully,

JEFFREY P. DEPASQUALE, CITY CLERK

Moved by Marrano seconded by Szymanski to receive and file, act on resolution.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

RESOLUTION NO. 25, 2021

Whereas, Chapter 3, Section 3.7 of the Charter of the City of Lackawanna provides for meeting dates, time and location of the Lackawanna City Council; and

Whereas, the City Council is desirous of complying with the City of Lackawanna Open Meetings Law of the State of New York; and

Whereas, the City Council hereby rescinds Resolution #19, 2020, dated July 20, 2020, and is desirous of changing the meeting venue of future Council meetings to City Hall – Council Chambers; and

Be it further resolved, that a copy of this resolution be posted on the centrally located bulletin board in the lobby of City Hall, the Council bulletin board, the City Clerk’s Office and on the official website for the city.

THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY

Dated: July 12, 2021
Lackawanna, New York

Moved by Marrano seconded by Moretti to adopt resolution as written.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Communication Submitted Regarding the Current Road Striping on Ridge Road.

12. To: Council Member Ingram and Council President Marrano,

I am a resident of Spruce Street in the First Ward of Lackawanna. Last night my wife and I had occasion to drive back and forth down Ridge Road between Rt. 5 and South Park Avenue. During our trip, we became aware that new lines painted on Ridge Road had faded to the point that it was nearly impossible to tell where the center line was. Adding to this, the former center line, which was not scrapped off entirely, provided a distracting and dangerous visual cue which nearly caused an accident when an oncoming car strayed into our lane while presumably following it.

During daylight hours this is not as serious an issue. During the evening and nighttime hours, however, when visibility is limited to headlights it is extremely serious. I would urge you gentlemen, please give this your full attention before tragedy occurs.

I can be reached at this email or at the number below at your convenience if you wish to discuss the matter; thank you both for your time.

Sincerely,

TOM SMELTZ, LACKAWANNA RESIDENT

Moved by Marrano seconded by Szymanski to receive and file, send an email follow-up to Mr. Smeltz.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Communication Submitted Regarding Various Concerns Within the City.

13. To: City Clerk

As a lifelong resident of Lackawanna I have concerns about our city.

1. Abbott road is in need of repair at both underpasses Is this a city or county road? Who is responsible for this?

2. Railroad Track crossing on Martin road is also in need of repairs.

3. Rail Road property behind Maryknoll Drive from Martin road to smokes creek needs to be cleaned up. There is debris in the ditch, the over growth of heavy brush and trees is a home for a lot of unwanted animals. The railroad used to clean this up. I have not seen them here in about 15 years.

I would like attend a meeting however with covid I cannot discuss in person I would like an answer on this asap.

Thank you in advance for your attention on these matters,

JOE LANGO, LACKAWANNA RESIDENT

Moved by Szymanski seconded by Surdyke to receive and file, refer to Law Department to draft resolution requesting action by Railroad.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Requests Approval to Utilize a Portion of Lackawanna City Streets for a Labor Day Parade.

14. To: Jeffrey DePasquale, City Clerk

City of Lackawanna

714 Ridge Road, Room 215

Lackawanna, NY 14218

Dear Mr. DePasquale,

The Buffalo Central Labor Council, AFL-CIO is an organization that represents over 80,000 workers from many different unions and affiliates throughout Erie County. Each year we hold a Labor Day parade that includes marchers with banners, floats, marching bands, and includes the Erie County Sheriff's Mounted Patrol, along with many local politicians and local organizations. Our usual route down Abbott Road is not available this year and we are looking for permission to start our parade in the City of Lackawanna.

We would like to start our line up on Dorrance Avenue at 11 am, at or around Holy Cross Cemetery, and head onto McKinley Parkway to Red Jacket Parkway into Cazenovia Park, with the parade starting at 12 noon. We have worked with the City of Buffalo in organizing this event with great success year after year. We will file all petitions and permits that are required, including insurance and neighborhood notice. We will have staff along the parade route to ensure safety and flow. I have included a brief drawing of the start location.

If any other information is needed, please let me know. We appreciate your consideration and look forward to adding the City of Lackawanna to our route.

Thank you,
DENISE ABBOTT, PRESIDENT, BUFFALO CENTRAL LABOR COUNCIL, AFL-CIO

Moved by Marrano seconded by Moretti to approve request, refer to the Director of Public Safety.
Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano Carried 5-0

Tabled Items:

Requests Removal of Item #15, TABLED from the June 28, 2021 Council Meeting and Act on Same.

15. To: Lackawanna City Council

Re: Item number 15 from Council agenda meeting of June 28, 2021

Request to approve ordinance transferring property located at 114 – 116 Center Street to LHDC. This memo is in reference to the above Council agenda item from the June 28, 2021 meeting which was tabled. Attached please find communication from Lauren Jednak from the LHDC which highlights the housing program that they participate in through LHDC.

After reviewing this email I discussed the matter with Michael Grifa our City Assessor. Currently this agenda item seeks a request to approve the sale of 114-116 Center St. which will later be divided into 3 single lots. One home will be built this year on this property and another home will be built across the street at 117 Center St. on a lot that was previously purchased by the LHDC. As per Ms. Jednak both homes will be sold to first-time homebuyers which means they will be put on the tax rolls.

I also checked with the City Assessor and note that 18 Glenwood was purchased for a \$1,000 in 2017. That home currently has an assessed value of \$110,000 but is listed as exempt because it is being used as a rental by LHDC. In addition, 36 Center St. was also purchased for \$1,000 in 2017. That currently has an assessed value of \$210,000 but is also listed as exempt because it is being used as a rental by LHDC. The LHDC also owns 77 Center St. and 75 Center St. Both of these lots were purchased for a \$1,000 in 2017. One house is assessed at \$110,000 and the other house is assessed at \$112,000, however both of these properties are also listed as exempt because they are being used as rentals by the LHDC.

117 Center St. was purchased in 2019 for \$1,000. That is one of the lots that is being developed now by the LHDC. Per the City Assessor there are no other comparable sales on Center Street for vacant lots. The LHDC originally offered \$1,000 for 114-116 Center St. Mr. Grifa negotiated a price of \$3,000 total. I hope the above provides sufficient information for the Council to make an informed decision as to what they want to do with this property.

RICHARD S. JUDA, JR., CITY ATTORNEY

Moved by Marrano seconded by Ingram to remove item #15, **TABLED** at the regular meeting of June 28, 2021, act on ordinance.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano Carried 5-0

Rick,

In reference to the discussion at the Council Meeting on June 28th here is some more information about what LHDC does, what we currently own, and the homes we intend to build at 114-116 Center Street. The LHDC is a "Community Housing Development Organization", or CHDO, which is a special designation which allows for the opportunity to build homes using Federal HOME funds for low-to-moderate income families. These homes may be built as rental properties or be sold to first time home buyers. Under this program, LHDC acts as developer, RFP's a Notice to Bidders, and hires a general contractor to build, all funded by Erie County HOME funds. The developer fee we receive is no more than 15% of the construction budget. The first four (4) homes that we built are located at 18 Glenwood,

36 Center Street, 77 Center Street and 75 Center Street, respectively. We own and manage those four (4) properties. These homes are all financed by a twenty (20) year, 0% interest, (hopefully) forgivable mortgage through Erie County. After the twenty (20) year mortgage is discharged, we may sell the properties or continue to keep them as rentals. The LHDC is required to house low-to-moderate income families in each home. We are allowed to charge 30% of their income in a rental fee, or less. We are not allowed to increase rent more than 10% a year. The rental income that we receive from these homes gets put into a specific account and is used for the maintenance and repairs of the properties. We do not use these funds for any of the general operations of the agency. Administrative funding that we receive to operate our agency comes from the New York State Neighborhood Preservation Program in the form of a yearly grant we apply for each summer. This year's award is around \$93,000, with a high emphasis on "subject to change" due to New York State budget deficits relating to the COVID pandemic. IRS Tax Code states that, "Organizations described in section 501(c)(3) are commonly referred to as **charitable organizations**. Organizations described in section 501(c)(3), other than testing for public safety organizations, are eligible to receive tax-deductible contributions in accordance with Code section 170." In addition, nonprofit status ".makes an organization eligible for certain benefits, such as state sales, property, and income tax exemptions; however, this corporate status does not automatically grant exemption from federal income tax. To be tax exempt, most organizations must apply for recognition of exemption from the Internal Revenue Service to obtain a ruling or determination letter recognizing tax exemption." Nonprofits are exempt from paying property taxes mostly because of the financial hardship it would place on the agency and because of the benefit to the city that the agency provides: the development of vacant lots, the beautifying of the neighborhood through the construction of a new homes, and providing low-to-moderate income families of Lackawanna safe, stable and secure housing opportunities. In addition, LHDC has been offering a Home Improvement Rehab Assistance program to eligible homeowners providing 80% of assistance in the form of a deferred, 0% interest loan to help homeowners with the necessary repairs and code violations of their homes they would not otherwise be able to afford. We have helped hundreds of families over the 15+ years of offering this program. This is our most active program within our agency. This money comes from the New York State Affordable Housing Corporation (AHC), and we make about or less than \$15,000 a year in an administrative fee for running it, depending on how long it takes to use the grant money. In addition, we offer a First Time Home Buyer Acquisition Rehab program; this program provides down payment and closing cost assistance and rehab money to low to moderate income first time home buyers. We receive an administrative fee of two thousand (\$2,000) from New York State for each home we close. Due to the current seller's market, we expect to have to give the remaining unused funds back to AHC by this year. The LHDC operates truly as a non-profit. The yearly administrative grant we apply for from New York State covers less than our operating budget, the administrative fee we receive for running the two (2) home assistance programs covers a bit more, and the at or less than 15% developer fee we receive from the CHDO homes covers the rest. LHDC is proud, and grateful, to operate as Lackawanna's housing nonprofit offering low to moderate income families safe, affordable and secure housing opportunities they would otherwise not be able to afford. We feel grateful to run our agency as a nonprofit and to provide the City of Lackawanna assistance with home repair and code violations, vacant land development and first time home buyer options.

114-116 Center Street

Habitat for Humanity of Buffalo is scheduled to break ground on our first home this year at 117 Center Street in the next few weeks. This home will be **sold** to a first time home buyer and put on the tax roll. Because of rising construction costs, Habitat Buffalo needs to build the two homes we intended to do this year, concurrently. **Both** of these homes will be **sold** to first time home buyers. Next year, we intend to build **two** more homes on the remaining two lots at 114-116 Center Street, one of which will be **sold** to a first time home buyer and the other to be a rental property we own and manage. In summation, **three out of the four homes** that we intend to build in the next two years will be sold and put on the City of Lackawanna's tax roll. The last home that we intend to build as a rental is very much subject to change; when these three homes are sold Erie County will be paid the mortgage, assuming about a 20-40% subsidy. This money gets put back "into the pot" for future home development with CHDO organizations. Nonprofits in New York State, and elsewhere, were told very quickly to expect at least a 20% decrease in funding at the beginning of the pandemic. When these homes are sold to first time homebuyers and the mortgage is paid back to Erie County we are securing additional funding for future home development and the livelihood of our agency. We respectfully hope that this information provided results in the transfer of 114-116 Center Street at the next Council Meeting on July 12th. If you require anything more please don't hesitate to reach out to me.

Warm Regards,

LAUREN M. JEDNAK, EXECUTIVE DIRECTOR, LACKAWANNA HOUSING DEVELOPMENT CORP.

To: Common Council of the City of Lackawanna

Re: Transfer of 114 and 116 Center Street, Lackawanna, NY 14218

Council Members:

The City of Lackawanna has received an offer to purchase 114 and 116 Center Street from Lackawanna Housing Development Corporation.

The parcel of land at 114 Center Street is approximately 8,750 square feet and the parcel at 116 Center Street is approximately 4,375 square feet. The intent is to build one (1) single-family unit to be purchased by a home buyer in 2021, and two (2) single-family rental units to be owned and managed by the LHDC in 2022 as part of the Erie County funding agreement. All three (3) homes will have direct road water and sewer access to Center Street.

Therefore, it is my recommendation that the City Council approve the sale of 114 and 116 Center Street in the amount of \$1,500 each or \$3,000 in total.

Sincerely,

MICHAEL GRIFA, CITY ASSESSOR

To: City Assessor

Director of Development

City Attorney

Lackawanna City Hall

714 Ridge Road

Lackawanna, NY 14218

Re: Transfer of 114 and 116 enter Street, Lackawanna, NY 14218

To Whom It May Concern,

The Lackawanna Housing Development Corporation (LHDC) is anticipating another round of phased funding to build three (3) single-family residences from Erie County.

Enclosed with this letter is a survey of 114 and 116 Center Street to obtain possession with minor subdivision approval. It is our intent to build one (1) single-family unit to be purchased by a homebuyer in 2021, and two (2) single-family rental units to be owned and managed by the LHDC in 2022 as part of our Erie County funding agreement. All three (3) homes will have direct road, water, and sewer access to Center Street.

Should you need additional information, please do not hesitate to contact me at (716) 823-5124 or ljednak@lhdcorpwny.org.

Thank you in advance for your consideration and we look forward to working with you.

Warm Regards,

LAUREN M. JEDNAK, EXECUTIVE DIRECTOR

ORDINANCE

AN ORDINANCE AUTHORIZING THE SALE/TRANSFER OF PROPERTY PURSUANT TO MUNICIPAL CODE SECTION 12.

Be it enacted by the City Council of the City of Lackawanna, New York as follows:

SECTION 1. That the City Council hereby approves of the transfer of property known as 114 and 116 Center Street. The parcel of land at 114 Center Street (SBL# 142.45-3-38.1) is approximately 8,750 square feet and the parcel at 116 Center Street (SBL# 142.45-3-37) is approximately 4,375 square feet. The Transfer will be to Lackawanna Housing Development Authority.

SECTION 2. That the transfer is made for the sum of \$3,000 in cash to the City of Lackawanna.

SECTION 3. That the purchaser/transferee shall be responsible for expenses related to the transfer other than those specifically belonging to the City of Lackawanna.

SECTION 4. That the Law Department shall prepare documents to be executed for the transfer of the property.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY.

**Dated: July 12, 2021
Lackawanna, New York**

Moved by Marrano seconded by Ingram to adopt ordinance as written.

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Old Business:

Adjournment:

Moved by Marrano seconded Moretti to adjourn meeting

Yeas: Ingram, Szymanski, Moretti, Surdyke, Marrano

Carried 5-0

Frederic J. Marrano-Council President

Jeffrey P. DePasquale - City Clerk

Any items to be placed on the agenda must be received by the City Clerk's Office by noon on the Wednesday before the scheduled meeting to be considered. Any public comments normally in person at the meeting during "Hearing from Citizens" MUST be related to topics already on the agenda and received by the City Clerk's Office no later than noon on the scheduled day of the meeting. Comments are accepted via US Mail Service, Fax @ 716-827-6453 or email at cityclerk@lackny.com.

www.lackawannany.gov